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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/988,347	11/19/2001	Yuichiro Ogawa	109808	8515

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EXAMINER

KNABLE, GEOFFREY L

ART UNIT	PAPER NUMBER
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1733

DATE MAILED: 02/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/988,347

Applicant(s)

OGAWA ET AL.

Examiner

Geoffrey L. Knable

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,4 and 12 is/are pending in the application.
- 4a) Of the above claim(s) 12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3 and 4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claim 12 remains withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected inventions, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the replies filed on 4-5-2004 and 12-1-2004.
3. Claims 1, 3 and 4 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

This rejection is maintained for generally the same reasons as set forth in the last office action. In particular, claim 1, although amended, still defines that at least one tire constitutive member (i.e. broadly defined) is formed by winding that commences at a radially outermost part of the member(s) and moves radially inwardly. Further, dependent claim 4 still indicates that the member or members defined in claim 1 can be the sidewall, bead filler, chafer, etc. It however is still not considered that the invention as now claimed is described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention, i.e. it is considered to be new matter. First, there does not appear to be any literal support in the specification for what is claimed in this regard. Support thereof, therefore is apparently to be found in the drawings.

However, while looking at fig. 1 for example would seem to indicate that the winding of the *sidewall* is from the radially outer side and proceeds inwardly, in fig. 1a, the *chafer* "16" is illustrated as what would be understood as a winding from the radially inner side in an outward direction. Fig. 2 shows a similar configuration of the windings. Similarly, the *filler* windings in figs. 3a and 3b are illustrated in a manner that would have been likewise understood as being from a start point at the radially inside and then outward. There is therefore still not considered to be descriptive support in the original disclosure for winding with a start end of the winding at a radially outer part for broadly "at least one tire constitutive member" as claimed. Support for such a winding direction in fact seems to be limited to the *sidewall* (in light of the figures). As such, this is considered to be new matter.

4. Claims 1, 3 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over [DE 19831747 to Continental or its apparent equivalent Blickwedel (US 6,923,879)] alone or (under 35 USC 103(a) only) either of these references taken further in view of Tokunaga et al. (US 5,380,384).

These references are applied herein for the same reasons as set forth in the last office action.

5. Claims 1, 3 and 4 are rejected under 35 U.S.C. 102(e) as being anticipated by Ikeda et al. (US 2002/0074077).

Ikeda et al. is applied for the same reasons as set forth in the last office action. In response to this rejection, applicant has provided translations for the priority documents in order to perfect the priority claim. However, for the same reasons that

the present claims are not considered to have descriptive support in the present specification (note 112, first paragraph rejection above), they also are not considered to have descriptive support in the priority documents and thus priority for the presently claimed invention has not been shown. It is noted however that this rejection will most likely stand or fall with the 35 USC 112, first paragraph rejection above.

6. Applicant's arguments filed June 13, 2005 have been fully considered but they are not persuasive.

In response to the 35 USC 112 rejections, applicant has argued that the amendments to the claims overcome this rejection. This rejection is however still considered to be applicable to the claims as amended (note statement of rejection above), it being still considered that there is no descriptive support in the original disclosure for winding with a start end of the winding at a radially outer part for *broadly* "at least one tire constitutive member" as claimed. Original descriptive support for such a winding direction in fact seems to be limited to the *sidewall* (in light of the figures). As such, this is considered to be new matter.

As to DE '747/Blickwedel (US 6,923,879), it is argued that the referenced paragraph is not using the term "usually" in the manner urged by the examiner but rather is using this to define that the winding could start at some intermediate point between the bead and belt plies but in that case, the winding would still progress towards the belt plies. In other words, it is argued that the term "usually" is only modifying the start point of the winding and not the winding direction and thus that the winding direction would not be reversed. This argument has been carefully considered

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but is unpersuasive. At issue is how the ordinary artisan would have read and construed the relevant paragraph in the context of the overall process described in the reference as well as the general knowledge and understanding of the ordinary artisan in the tire art. In particular, it is submitted that the ordinary artisan would have expected and understood that the spiral winding process for the sidewall would or certainly should form a *complete sidewall*. Read in view of this, it is again submitted that the ordinary artisan would have read the suggestion that the winding "starts usually in the bead region" as simply an indication that the winding could start at the opposite end (i.e. the shoulder region) if desired. If applicant's reading of this paragraph (i.e. that this would be read as indicating that the winding could start at some intermediate point but still would progress towards the belt *without direction reversal*) were correct, then this would require that an incomplete sidewall be formed - i.e. if you start the winding at some intermediate point and still progress only towards the belt plies, how would the sidewall ever get formed between this intermediate start point and the beads? Further while it certainly would be possible to fill this in with additional subsequent windings, this would be an extremely complicated process, it being submitted that the artisan would not have adopted such a reading of this language when the much more logical and simple explanation is that provided by the examiner. Note also that the ordinary artisan generally understands that component formation that requires a back and forth motion of the extruder complicates the processing and therefore is less desirable - Blickwedel even evidences such an understanding (col. 5, lines 25+), it being further stressed that Blickwedel would have been read as certainly urging simplification of the application

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process and control thereof if possible (e.g. col. 3, lines 44-48 and 58-60; col. 5, lines 17-20). Applicant's arguments in this regard are therefore unconvincing.

The arguments with respect to Ikeda have been treated within the statement of rejection above.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

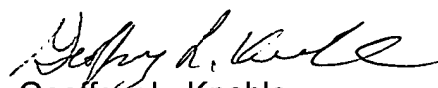
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Geoffrey L. Knable whose telephone number is 571-272-1220. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Geoffrey L. Knable
Primary Examiner
Art Unit 1733

G. Knable
February 19, 2006